



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 7, 2019

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
1007 E Grand Avenue
Des Moines, IA 50319

Dear Governor Reynolds:

I write to offer a Republican Attorney General perspective on the recent legislative proposal to limit Attorney General Tom Miller's authority, independence and discretion as the Chief Legal Officer for the State of Iowa. As an occupant of the same position, it is important to note that the independence and discretion of the Attorney General are of paramount importance for the legal integrity of the state.

I have worked with Attorney General Miller on numerous issues over the years, and although we do not agree with regard to political philosophy on certain issues, I have come to trust his legal judgment on others. The independence of the Attorney General with particular regard to his legal judgment, are essential to protecting the state of Iowa from legal vulnerabilities.

It is important to understand the value of the collective efforts of Attorneys General through organizations such as the National Association of Attorneys General, and that in order to protect the legal interests of the citizens, the Attorney General must make rapid decisions that would be impossible if required to run a gauntlet of approvals. For example, when the Attorneys General brought suit against President Obama's Administration to challenge the legality of the Healthcare Reform, it is likely that Idaho would not have been able to garner the necessary approval if there had been a similar provision to that being considered in Iowa. I think that we can agree that the Attorneys General lawsuit regarding Healthcare Reform is among the most important of this generation because it firmly established state sovereignty as a shield against federal coercive efforts.

I wholeheartedly agree with the sentiment expressed in the discussion of Iowa's limiting provision; namely, that state Attorneys General have likely over-played their hands as both defenders and attackers of the Federal Administration depending on party affiliation.

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To this end, I have instructed my own office to be more restrained in so-called national legislation and to identify an Idaho interest prior to signing on. But, these steps are much more effectively implemented through the surgical precision of meeting directly with the Attorney General, as opposed to the blunt instrument of a sweeping prohibition.

I am not privy to the political landscape of Iowa, but I am concerned with efforts to limit the Office of the Attorney General, which has its roots in medieval England as a check on the King's power. As a nation of checks and balances, it is essential that we retain as many of our inherent checks and balances as possible to ensure that our offices function as that envisioned by our states' founding fathers, instead of according to political cycles. I am hopeful that Iowa can reach its desired result through working with its Attorney General. I hope that you will reject the provision limiting the Attorney General's authority and recognize the significance of the Attorney General's legal independence and discretion. Sometimes, as much as we hate to hear it, we need to hear that legally the news is bad.

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. Wasden', with a stylized, flowing script.

LAWRENCE G. WASDEN
Idaho Attorney General

LGW/bk:jc

**FROM THE DESKS OF THE FORMER ATTORNEYS GENERAL OF
ARKANSAS, NEBRASKA, NEVADA, OHIO, RHODE ISLAND, AND WASHINGTON**

May 7, 2019

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
1007 East Grand Avenue
Des Moines, Iowa 50319

Dear Governor Reynolds,

As former Republican and Democratic Attorneys General from Arkansas, Nebraska, Nevada, Ohio, Rhode Island, and Washington, we respectfully request that you veto the measure passed last week that would limit the authority of the Iowa Attorney General's Office.

The job of an Attorney General is to represent his or her state in legal matters and defend the Constitution and rule of law. It is not to represent the state in a way that pleases the majority in the Legislature. No independently elected Attorney General in any state is required to seek permission from the Governor or Legislature to represent their state in legal matters of national importance.

The impact of this legislation is far-reaching and would stifle Iowa's voice on crucial issues of national jurisprudence. The Attorneys General represent their states and weigh in nationally on criminal cases, the death penalty, consumer protection issues, Medicaid fraud, and other legal issues too numerous to list here. The Attorneys General act in concert on amicus briefs, litigation, and settlements that directly impact consumers, including Iowans. It is critical that Iowa's Attorney General continues to have that ability.

Taking away Iowa's voice on matters of national jurisprudence via legislation is bad for Iowa and our nation. If voters don't like the way their Attorney General is advocating for them in such cases, they can replace him or her through the election process.

The Iowa Legislature's efforts to remove the Attorney General's independent authority to file suit outside of Iowa is a blow to our Founding Fathers' vision: a government with checks and balances among the three separate branches, rather than an approach to governing dictated by a single branch. Our Constitution's Separation of Powers Clause exists for this very reason – to protect the people from any one branch of government growing too powerful.

The Legislature's effort to eliminate the Attorney General's independent legal authority is short-sighted and will tie the hands of any future Iowa Attorney General. The Legislature should

protect our system of checks and balances, not carve away at the constitutional protections put in place to protect the rights of all Iowans and all Americans.

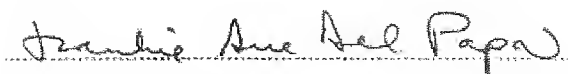
Our country already has become too divided and our national discourse too vitriolic. We need to turn down the temperature of political discourse and find our way back to being able to disagree without being disrespectful. Our office holders should cultivate – not impede – elected officials’ ability to work together and independently for the good of us all.



Dustin McDaniel
Arkansas Attorney General 2007-2015
Society of Attorneys General Emeritus
Co-Chair



Jon Bruning
Nebraska Attorney General 2003-2015
Society of Attorneys General Emeritus
Co-Chair



Frankie Sue Del Papa
Nevada Attorney General 1991-2003



Betty Montgomery
Ohio Attorney General 1995-2003



Patrick Lynch
Rhode Island Attorney General 2003-2011



Rob McKenna
Washington Attorney General 2005-2013